

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	CAUSE NO.
)	

ARRAIGNMENT ORDER
(Judge Lee)

On _____, 2005, the defendant, _____, appeared before Roger B. Cosbey, United States Magistrate Judge, for purposes of arraignment. A jury trial is hereby set for _____, 200____, at 8:30 a.m., with an estimated length of ____ day(s), before Judge William C. Lee.

Within seven (7) days after the arraignment, the attorney for the United States and the defendant's attorney shall confer and upon written request, the government shall permit defendant's attorney to inspect or copy any of the following that is within the possession, custody, or control of the government:

- (1) Written or recorded statements or confessions made by the defendant, or copies thereof;
- (2) Any relevant results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the case, or copies thereof;
- (3) Any relevant recorded testimony of the defendant before the grand jury;
- (4) Any copies of books, papers, documents, tangible objects, buildings or places, as provided in Fed. R. Crim. P. 16(a)(1)(C);
- (5) The Federal Bureau of Investigation Identification Sheet indicating the defendant's prior criminal record.
- (6) Any exculpatory or mitigating evidence;

- (7) The government shall be permitted any reciprocal disclosure provided in Rule 16, FRCrP, which is in the possession, custody or control of the defendant or his attorney.

If any party declines upon request to provide the above discovery, the declination must be in writing and must specify the reasons disclosure is declined.

In the event the defendant moves for additional discovery or inspection, his motion shall be filed within the time set for pretrial motions and shall contain:

- (1) A statement that a conference was held and the date:
- (2) The name of the government attorney with whom the conference was held, and;
- (3) A statement that agreement could not be reached concerning the discovery matters which are the subject of the motion.

Pretrial motions of the parties shall be filed by _____, 200____. A response shall be filed within 10 days thereafter. These times are to be calculated pursuant to Fed. R. Crim. P. 45(a). **The time period allotted for the filing of pretrial motions is excludable from the Speedy Trial calculations. If a defendant believes that this period is too long or if a defendant does not intend to file any pretrial motions but instead wants the speedy trial time to continue to run during this period, it is incumbent upon the defendant to so inform the Court.** See, *United States v. Garrett*, 45 F.3d 1135, 1138 (7th Cir. 1995)(time period for filing pretrial motions “is clearly excludable from Speedy Trial Act calculations in this circuit”); *United States v. Piontek*, 861 F.2d 152, 154 (7th Cir. 1988)(same); *United States v. Montoya*, 827 F.2d 143, 153 (7th Cir. 1987)(time period for filing pretrial motions is excludable even if no motion is filed by the parties and it is incumbent upon the defendant to inform the Court of any objection to the time period allotted for the filing of such motions).

This case is set for a pretrial conference on _____, 200____, at _____ .m.

before Magistrate Judge Roger B. Cosbey. The parties shall meet prior to the pretrial conference, and to the extent possible agree upon a complete set of jury instructions utilizing to the greatest extent possible the pattern instructions available from Judge William C. Lee's chambers. On or before the pretrial conference the parties shall:

- (1) File a complete set of instructions upon which they agree, and shall separately file those proposed jury instruction, with authorities, upon which they are unable to reach agreement;
- (2) File proposed voir dire questions. To the extent that this order diverges from the requirements of N. D. Ind. L.R. 47.1; this order shall supersede.

At the pretrial conference, the parties should be prepared to discuss and consider:

- (1) The general jury instructions to be given by the trial court;
- (2) Any special jury instructions requested by either party, (N.D. Ind. L. Cr. R 30.1);
- (3) Proposed voir dire questions;
- (4) What facts, if any, can be stipulated;
- (5) The expected length of trial;
- (6) The status of any pending motions or whether any additional motions are anticipated;
- (7) The identification and admissibility of exhibits;
- (8) Any anticipated legal or evidentiary problems;
- (9) The status of any plea negotiations between the parties, and the fixing of a date and time when a plea agreement will be filed with the court and the plea taken by the Court.

Entered: _____

/S/ Roger B. Cosbey
Roger B. Cosbey
United States Magistrate Judge